

Expedited Procedure Under 37 CFR §1.116

Application No.: 10/564,863

Paper Dated: August 8, 2007

Reply to Office Action Dated May 10, 2007

Attorney Docket No. 0388-060112

REMARKS

Claims 5-13 are in the instant application and are rejected.

Claims 5-13 are rejected under 35 U.S.C. §102(a) as being anticipated by JP 2004-69325 (hereinafter also referred to as the “325 Publication”). Applicant respectfully traverses the rejection of claims 5-13 under 35 U.S.C. §102(a) as being anticipated by the “325 Publication” and requests reconsideration thereof.

The above-identified pending U.S. Patent Application No. 10/564,863, i.e. PCT/JP2004/010173, claims priorities based on Japanese Patent Application No. 2003-276014, filed on July 17, 2003 and the further Japanese Patent Application No. 2004-210254, filed on July 16, 2004. An English translation of the base application Japanese Patent Application No. 2003-276014 is prepared and filed with this Response as the Exhibit A. The English version of the priority document JP2003-276014 was provided by Japanese Associates.

Applicant respectfully submits that, based on the English translation of the priority document JP2003-276014, it is apparent that the subject matter of pending claim 5 is within the scope of the disclosure of the priority document JP2003-276014.

Therefore, as described in the response presently filed, it has been shown that the date of invention of the subject matter of claim 5 dates back to July 17, 2003, at the latest, thus completing the claimed priority date of Applicant. On the other hand, the reference cited, i.e. JP2004-069325 was published on March 4, 2004, i.e. later than the date of invention of the present application. Therefore, this JP2003-276014 does not satisfy the requirement under 35 U.S.C. §102(a), “... or described in a printed publication in this country or a foreign country, before the invention thereof by the applicant for patent.” Applicant respectfully submits that for the reason given, the first paragraph in the Office Action based on Article 102 (a) is erroneous.

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Based on the forgoing, Applicant respectfully requests withdrawal of the rejection of claims 5-13 under 35 U.S.C. §102(a) as being anticipated by the "325 Publication" and requests allowance of claims 5-13.

This Response is a sincere effort to place this application in condition for allowance. In the event issues remain, the Examiner is invited to call the undersigned to discuss those issues before further action is taken on the application.

Respectfully submitted,

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